Costs Decision

Site visit made on 12 January 2026

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Costs Application in relation to Appeal Ref: APP/Y9507/C/23/3329374
Green Lanes Farm, Back Lane, Forestside, Stoughton, West Sussex PO9 6EB

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr J Stilwell of Green Lanes Farm for a full award of costs against South Downs National Park Authority.
- The appeal was against an enforcement notice alleging without planning permission, the erection of a barn and the construction of a concrete hardstanding.

Decision

1. The application for an award of costs is refused.

The submission for the Applicant

2. The Applicant contends there is no evidence to support the reasons for refusal and loss of tranquillity. Equally, the drainage objection is contrived and seemingly at odds with the consultation responses received which indicate no issue. The suggestion that the use of a small agricultural building cannot reasonably be controlled via available planning powers is not considered credible, particularly when considered against all other regulatory powers such as noise nuisance, Environment Agency controls in relation to issues such as drainage and slurry management, and Government (Food Standards Agency) controls in relation to animal welfare.

3. The National Park, in submitting their statement of case, has then weakened rather than strengthened their case. They have not explained about noise in their first reason for refusal nor accepted that the number of animals will reduce as a result of the proposals. It is also clear that the second reason for refusal is based on supposition and is not supported by any specialist third party consultee input. The basic work required to support an objection of this nature has not been undertaken and therefore is without foundation.

4. The whole cost claim is based on the unreasonable conduct of the National Park both in the decision it reached, and the processes employed in reaching that decision. The level of harm cited is not evidentially based and fails to meet any reasonable threshold for refusal. That is inherently unreasonable.

5. The second reason for refusal could only be imposed had the National Park undertaken an appropriate assessment. There is no Natural England support for this reason for refusal nor any specific guidance or statute which would support this objection. The reference to Natural England Guidance is unsubstantiated. The National Park have clearly conflated two issues when the nutrient neutrality issue is triggered by increased residential or overnight accommodation (for humans). It is

therefore not simply a case that the appellant disagrees with the decision. In these terms, the National Park has acted unreasonably, and the costs claim is fully justified.

6. The planning decision which has led to the serving of this Notice is therefore unreasonable and in lodging this appeal the appellant has been forced to incur unnecessary costs. An appeal against the Notice rather than the refusal of planning permission was clearly in the appellant's best interests as the scope of outcomes is wider.

The response for the National Park Authority

7. Planning Practice Guidance makes clear that disagreement with a decision does not amount to unreasonable behaviour, and the mere fact that an appeal has been lodged does not justify an award of costs.

8. The National Park acted reasonably and in accordance with national guidance throughout the course of this appeal, and the enforcement process leading up to it. The Notice was issued following an assessment of the expediency of instigating formal action, supported by evidence of conflict with adopted development plan policies and the relevant material considerations which are stated in the reasons for issuing the Notice.

9. The Applicant states there is a lack of evidence to demonstrate that the development referred to in the Notice does not conserve and enhance relative tranquillity. Thus, it is the Applicant's case that there is not a policy conflict with SD7 (relative tranquillity) but the fact that the National Park have taken a different view is not evidence of unreasonable behaviour, or that unnecessary expense has been incurred. In defending the appeal, the National Park has expanded upon its reasoning and advanced supporting evidence.

10. Similarly, the Applicant has stated that the National Park's objections regarding the effect of effluent disposal on the relevant European site are without evidence, however the onus is on the Applicant to satisfy the decision maker that the development will not have a harmful effect. The National Park has explained its case which is consistent with the requirements of the Conservation of Habitats and Species Regulations (2017) and Natural England's guidance. No unreasonable behaviour has therefore been identified, and no wasted expense has been incurred in this regard.

11. Planning Practice Guidance is clear that costs cannot be awarded simply because one party disagrees with the other's position or because an appeal has been necessary.

Inspector Reasons

12. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

13. The enforcement notice was issued for reasons of harm to the character and appearance of the area, to living conditions and in respect of surface water drainage and the management of slurry/effluent.

14. Those first two issues were matters of planning judgement. Whilst the applicant disagreed with the case of the Authority, I am content that adequate reasoning was provided to support those concerns.

15. The issue of drainage and effluent then required careful consideration. It was also clear that a suitably worded planning condition was required to make the development acceptable.

16. Whilst the development was not a residential one, the Natural England guidance brought to my attention stated that a case-by-case approach will be needed for agricultural development that has the potential to release additional nitrogen and/or phosphorus into the wastewater system. On balance, I do not consider that the Authority was unreasonable to have raised this issue, or that it was contrived, as it was one that required further planning judgement and there was also an onus on the appellant to satisfy the decision maker that the development would not have a harmful effect. It was therefore not without foundation.

17. The Authority has therefore not been unreasonable in its conduct or in the processes employed in reaching its decisions. It has not been inherently unreasonable.

Conclusion

18. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Paul T Hocking

INSPECTOR